IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS No.3391 to 3396 of 1995

and

SPECIAL CIVIL APPLICATION No.9366 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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MANSUKHLAL B VYAS

Versus

STATE OF GUJARAT

Appearance:

MR JF SHAH for Petitioner
Mr.V.M.Pancholi, Ld.AGP for Respondent No. 1-2
MR KH BAXI for Respondent No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 24/07/2001

COMMON ORAL JUDGEMENT

I have heard Mr.J.F.Shah, learned Counsel appearing on behalf of the petitioners. I have also heard Mr.V.M.Pancholi, learned AGP appearing on behalf of the respondents No.1 and 2 and Mr.K.H.Baxi, learned Counsel appearing on behalf of the respondent No.3.

In this group of matters, the petitioners were appointed as primary teachers between 1949 and 1952 and they were promoted in the post of Educational Inspectors between 1984 and 1986. All of them retired from services between 1988 and 1992. It is contended by Mr.Shah, learned Counsel for the petitioners that the petitioners

were promoted, but they were asked to retain their own scale of pay and they were also not given the benefit of fixation of pay, even though the post of Educational Inspector was a promotional post. The learned Counsel further submits that he wants to make a representation before the Government for considering the case of the petitioners, either for grant of graded scale of pay in view of the fact that they were retained in their own scale of pay of primary teachers even after the promotion as Educational Inspectors. None of the petitioners was given the benefit of fixation of pay in the promotional post of Educational Inspector. The learned Counsel for the petitioners wants to make a detailed representation before the Government for consideration of the petitioners' case for graded scale of pay, at least for fixation benefits in the post of Educational Inspector.

I am of the view that the petitioners should make representation to the Government, which shall consider the case of the petitioners sympathetically in view of the fact that all of them have already retired from services. Accordingly, the petition is allowed to be withdrawn as prayed by the learned Counsel for the petitioners, with a permission to file afresh. The petitioners may file representation to the Secretary/Commissioner, Government of Gujarat, Department of Education, within three weeks and the Secretary/Commissioner, Government of Gujarat, Department of Education shall consider the representation of the petitioners within a period of six weeks from the date of receipt of such representation. If the petitioners are aggrieved by the decision of the Secretary/Commissioner, Government of Gujarat, Department of Education, then they may file afresh.

With the aforesaid observations and directions the petitions are disposed of. Rule is discharged. No order as to costs.

24-7-2001 (P. K. Sarkar, J.)

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